MONEY FOR QUEENS LINES IS HELD UP

Estimate Board Members Quarrel Over Borough's Share in Transit.

BY CONNOLLY THREAT

New Move To-day to Block In- portations. terborough From Subway Extension.

Refusal by the Board of Estimate yesterday to appropriate money for con-struction of elevated lines in Queens, contracts for which were let by the Public Service Commission just before Mr. Willcox retired, started a row. Borough President Connolly of Queens said that he had been steam rollered. Public Service Commissioner Malthie said he couldn't understand what sense there was in the action of the Board of Estimate, and John Purroy Mitchel remarked that the city was playing into the hands of the Interborough.

The contract which caused dispute was awarded to the E. E. Smith Contracting Company for lines to cost \$2,063,588. Under the dual subway system these lines will be operated jointly by the B. R. T. and the Interborough, and will be paid for by the city.

Borough President McAneny said there was no use in voting for construction when the city wasn't sure of an operator. He suggested waiting until the city enters into a hard and fast contract with the Interborough and the R. R. T.

"We confidently expect," said Mr. McAneny, "to be able to take final action on the operating contracts within two weeks. But if these contracts should not be signed it would be necessary to mak an entirely new arrangement about the Queens lines. The supply of money for the contract should be carried on the calendar until the operating question is entirely settled."

"I had understood," said Borough President Connolly of Queens, "that the construction contracts were to be proceeded with separately from the operating contracts.

Comptroller Prendergast and Mayor Gavnor demurred.

In view of what has occurred her this morning." proceeded Borough President Connolly with asperity, "I must state that Queens has been discriminated against consistently in the Board of Estimate. This is just another instance of it. Queens has been laval to the dual plan thus far, but you never can tell." Mr. McAneny explained that post-

nolly against the motion to postpone able properties and at an enormous ex-Brooklyn held his peace and voted neither

After the Board of Estimate meeting

Mr. Maitbie named several ways by

which the lines could be operated in case office and the city government with the Tweed Court House. the dual system falls through-by connection with the Second avenue elevated line of the Interborough or with the Steinway tunnel, also an Interborough line; as a part of the Broadway-Lexington House Amendment Exempts Coavenue subway, through a spur running from Lexington avenue to the Queensboro Bridge; as a part of the B. R. T. system, by building a crosstown line in Brooklyn and Queens, or as a part of the Broadway-Fifty-ninth street subway. Mr. Maltbie added that connection with the Second avenue elevated or with a Broad way-Lexington avenue subway could be accomplished as soon as the Queens lines

It developed yesterday that J. Aspinwall Hodge, who will go into the United States District Court to-day in the hope that an injunction will be granted to restrain the execution of the Interborough's \$170,000,000 mortgage for subway work, has other men behind him besides Clarence H. Venner, a man who frequently sues corporations.

Chairman McCall of the Public Service Commission said yesterday that he had been told that Mr. Hodge is a represen tative of Frederick Ayer, a patent medicine maker in Boston, and John C. Wilson of Washington. They are understood to be minority stockholders in the Interborough.

It appears that Frederick Ayer is the It appears that Frederick Ayer is the same man who as a property owner on Ely avenue, Queens, held up the legalizing of the proposed Interborough line from the Long Island end of the Steinway tunnel to the Queensboro Bridge Plaza. Mr. Ayer owns enough property along Ely avenue to keep the Public Service Commission from getting consents from ewners of a majority of the property fronting on the line.

In default of these consents, the Commission had to apply to the Appellate Division in Brooklyn for the appointment of a commission to determine whether the line should be built. The action of the commission has not yet been reported.

Change, took the witness stand in his own defence to-day in the Superior Court, where he is belng tried on the charge in ninety-two counts of the larceny of about \$300,000 of the property of certain mining companies which he had been promoting.

Before Dow took the stand his counsel, Frank Paul, outlined his case. He said his contention is that Dow had not in any way violated the law in anything he had done. His company had simply borrowed certain sums of money from the mining companies with which he had been connected covering a period of about four years and had paid the interest on it, and at certain times portions of the principal also.

Had it not been for the depreciation in tha

The Interborough's bond issue is a prerequisite to its participating in the dual system. If it can't make its mortgage then the contracts will be held up a while longer. Inasmuch as the city a while longer. Inasmuch as the city wants to make its agreement with the B. R. T. at the same time as it signs with the Interborough the whole subway plan would go into the air, pending action

plan would go mother by the Federal courts.

Burroy Mitchel, President of a long letter John Purroy Mitchel. President of the Board of Aldermen, sent a long letter to Judge McCali yesterday showing in detail the reasons why he thinks the city stands to lose through the Interborough's proposal to sell its \$170,000,000 bond issue to J. P. Morgan & Co. at 93½. Mr. Mitchel followed the lines of his arguments before the Public Service Tommission at its public hearings, though in greater detail.

Commission at its public hearings, though in greater detail.

"The city of New York," he said in summing up his argument, "through the preferential payment, is bearing for the company the entire cost of the bankers discounts, which it now pays, not only to raise the money for construction and equipment of subway and elevated lines, but also for the respiratory of the affections of Mrs. Crane returned a financing of its own bonds and stocks."

LOEB NOT UPHELD BY JUDGE.

Sustains Sugar Company Demurrer, Deprecating One Man Power.

Judge Coxe in the United States District ourt yesterday sustained the demurrer nterposed by the Federal Sugar Refining Company to the Government's suit for the Chairman of Inspectors Gets recovery of \$119.080, begun as the result of Collector Loeb's reliquidation of the company's books after the revelation of the sugar underweighing frauds. The amount represents the difference between the sum paid by the Federal company in duties from 1992 until 1999 and the aggre-gate tariff which Collector Loeb thinks the company should have paid on its im-

The defendant's demurrer was predicated on Section 21 of the Act of June 22, 1894, which provides that the duty paid on 1894, which provides that the duty paid on goods which have been entered and delivered to their owners shall be final after the expiration of one year from the time of entry, in the absence of fraud. As to the latter proviso Judge Coxe said:

"If fraud be shown it may be inquired into wife is to determine the existence of the fraud? If the collector be the sole and final arbiter he is invested with autocratic powers. At any time he may, by the mere assertion that he has found an entry that is fraudulent, reliquidate it. entry that is fraudulent, reliquidate

without a particle of proof and the vic-tim is remediless." The government is given twenty days in which to amend its complaint.

M'ANENY SAYS LIMIT **HEIGHT OF BUILDINGS**

One Way to Relieve Downtown of the Nadel case. Congestion, He Tells Architects.

Borough President McAneny at the dinner of the New York chapter of the American Institute of Architects at the Hotel Plaza last night said that within few days he expected to ask the Board of Estimate to limit the height of buildings, advising that they appoint a commission to consider the matter from a physical and æsthetic point of view.

President McAneny said that such step would come well within the jurisdiction of a committee on city planning. and that the scheme if carried out would do much to relieve downtown congestion. The laying out of the new transit lines

ne said, would do much to encourage building in the now undeveloped sections of the city and go hand in hand with the checking of "abnormal building" in what now is the city's centre. As soon as the contracts are signed he said the city

Government would then feel free to take up regulation of the heights of buildings. The Borough President said that he had been told by an engineer of the Public Service Commission that if all the people in a building of the Woolworth type were to leave the structure at one time it would take the ten car express trains leaving

ponement didn't put into hazard the ultimate construction of Queens lines.

"I regret to hear any member of this body state publicly that his borough has been discriminated against," said Mr.

Prendergast. "Not in the history of this city has the Borough of Queens fared so well as at the hands of the present Board of Estimate. I have the figures to prove it."

John Purroy Mitchel, President of the Board of Aldermen, voted with Mr. Connolly against the motion to postpone

gainst the motion to postpone
Borough President Steers of
n held his peace and voted neither
the Board of Estimate meeting
Service Commissioner Maltbie
Service Commissioner Maltbie
Contracts for the construction

"The contracts for the construction of Queens lines were advertised and awarded by the Public Service Commission because we knew that the Astoria and Corona lines could be operated regardless of the success or failure of the dual system."

In the narrower thoroughtares should be adopted.

Mr. McAneny also spoke for the speedy condemning of that part of the city about the City Hall which was interfering with the work of the city planning committee and the laying of a 100 oot thoroughfare explosion.

ST ready to do away with the Mullet

CAN'T PROSECUTE LABOR TRUST.

operative Societies From Suits. WASHINGTON, Feb. 20 .- A prohibition against the prosecution of labor organizations and farmers' cooperative associa-tions under the anti-trust laws was in-corporated in the Sundry civil bill by the branch of the art it is a fore House to-day. Amendments were adopted soon that the effort will be intelligent, the providing that no part of an appropriation of \$300,000 made available for the attorney general to institute proceedings under the control of the art it is a foregone conclusion that the effort will be intelligent, the arrangement ingenious and the photographs expert from a technical point of view.

Democrat, said it was not contemplated when the Sherman law was passed that labor unions and farmers' associations would be held by the courts to be restraints of trade. He thought such organizations should be excepted from Doubt is expressed that the Senate will

oncur in the action of the House

DOW MAKES HIS DEFENCE.

Boston Broker Says He Borrowed Money and Paid Interest.

BOSTON, Feb. 20.—Stephen R. Dow, former member of the Boston Stock Ex-change, took the witness stand in his own

the commission has not yet been reported.

"If Mr. Hodge's motion in court tomorrow is successful," said -Mr. McCall yesterday, "the signing of the contracts may be indefinitely delayed."

The Interborough's bond issue is a portions of the principal and there would have been no processor for completing the principal and there would have been no processor for completing the principal and there would have been no principal and been destroyed.

Mrs. Dudley, recaffed, testified she saw the signature "Louis Craven and wife" on the register of the Hotel Raleigh in Washington, D. C., for the date in April. reason for complaint. Dow, he said, had was at the hotel with a woman. The writ-contracted with the mining companies to underwrite their stock and subscribed for the band's, which was peculiar and easily idenshares at \$8 a share and it was for Dow to put these shares on the market for his own benefit at the best price he could. There was nothing criminal in that, counsel said, and Dow could not be held legally respon-sible.

sible.

Dow said he was 41 years old and began working in a broker's office at the age of 13. In 1905 he went into business for himself. He declared he acted in good faith in the formation of the several companies and described the method of distribution of the stock certificates and to whom they were sold.

NADEL GOES TO JAIL; **GREENBERG RESIGNS**

Two Years for Counting Assemblyman In.

PROGRESSIVE MAY GET IN

Recount in Tenth Shows Maxim Birnkrandt Leading by 15 Votes.

Justice Goff in the Criminal Branch of the Supreme Court yesterday sentenced Louis Nadel, chairman of the board of inspectors for the last election in the Twelfth election district of the Tenth Assembly district, to two years in prison on a charge of making a false statement

Assemblyman Meyer Greenberg was elected from this district and the evidence showed that 'he got thirty-two votes more than he was entitled to.

Louis Lipschitz, an election inspector of the same district, who was convicted last week of making a false report of a canvass, gave additional testimony in the investigation of ejection frauds. District Attorney Whitman last night sent the Speaker of the Assembly a report

At about the same time that Lipschitz was before the Grand Jury. Assembly man Meyer Greenberg wrote his resignation. In his letter, addressed to Alfred E. Smith, Speaker of the Assembly

Greenberg said:

"It becomes my duty to tender to you my resignation as a member of the As-sembly for the Tenth Assembly district New York county. I am impelled to make this announcement by reason of the fact that from a recount of the ballots in the Tenth election district of the Tenth Assembly district it appears that an error made in counting the vote was sufficient to overcome the plurality which I believed myself to have received. Under these cir-cumstances my sense of justice and selfrespect has determined my action in re-fusing to continue to occupy a seat where my right is not beyond question."

During Greenberg's brief term in the Legislature he introduced the bill providing for the divorce of the police from oversight of violators of the liquor, gambling and vice laws. This measure had the qualified support of Mayor Gaynor. Greenberg said yesterday that the status of the bill would not be affected by his resignation. He went to the City Hall to see Mr. Gaynor soon after he sent his letter to Assemblyman Smith.

The original canvass of the vote in his district showed that Greenberg received 2,275 votes to 2,247 for Maxim Birnkrant, a Progressive, with 457 blank and 87 defective. The recount thus far shows Birnkrant leading by 15 votes. During Greenberg's brief term in the

TOWN FLEES FROM OIL FIRE.

Wreck of Maryland Plant Ma;

Mean Loss of Over \$1,000,000. BALTIMORE, Feb. 20 .- An explosion to night in the barrel house of the Texas Oil Company's plant at Wegner's Point Anne Arundel county, started a fire which wrecked the plant, destroyed the ware house of the United States Asphalt Com-pany nearby and caused a loss which may exceed \$1,000,000. Hundreds of residents of the little set-

tlement, fearful that the flames would reach their homes, removed such valuables as they could and started to walk through the drizzling rain to Brooklyn.

Seeing this, the pastor of the Catholic church at the Point threw open the building

and many spent the night there. Aged and crippled women were carried to A number of men were injured by the

explosion of the oil tanks.

STILL LIFE PHOTOGRAPHS.

at the Ritz-Carlton.

The Baron de Meyer has an exhibitio

der the Sherman anti-trust law should be expended in the prosecution of either labor unions' or farmers' associations.

Representative Saunders of Virginia. So may all of these still lifes be said Dresden dolls play a part. One of the Democrat, said it was not contemplated when the Sherman law was passed that labor unions and farmers' associations would be held by the courts to be remake a pattern that would be most effective upon a fan. Another well arranged group consists of tall candles in glass candiesticks, with wine glasses a part of the

Baron de Meyer seems to be much engrossed with the study of the effects of light reflected from glass. Glass crystals and other glass objects figure in each study. The two photographs the artist

was at the hotel with a woman. The wri

Mrs. Dudley denied that she ever drank quart of champagne at one sitting. When absent from home overnight, as Dudley had alleged, she testixed she stayed with the Knights and other neighbors in Cam-den or Philadelphia.

den or Philadelphia.

Louise Hirch, a maid, signed an affidavit charging that Mrs. Dudley absented herself from her room at the Waldorf Astoria Hotel in New York. She did not appear in court, but the affidavit was read. Mrs. Dudley denied that the maid had ever accompanied her to New York.

Mrs. Dudley said the maid did not not follow the said the maid did not not follow. Mrs. Dudley said the maid did not suit her and that she had discharged her. her and that she had discharged he The hearing will continue to-day.

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Atlantic City.

WANTER RESORTS.

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MUST LIVE IN PARIS NOW ON \$3,000 A YEAR

Justice's Decision Makes Kemp Pay Judgment Won by Mrs. De Muth.

for the last few years, must worry along S.S.Hamburg (11,000 tons), Feb. S.S.Cincinnati (17,000 tons), M.S.S.Cincinnati (17,000 tons), Feb. S.S.Cincinnati (17,000 tons) under a decision by Supreme Court Jus- HAMBURG-AMERICAN LINE, 45 B'way. tice Newburger vesterday, and by the same decision his two children, Choteau and Gladys, are deprived of \$2,500 a year each from their father. Mr. Kemp is entitled to an income of

showed about twenty photographs in the same rooms of well known society folk which were characterized with great subtlety, originality of composition composition and a year each from his income. The New York Life Insurance and Trust Company When the same artist essays a new branch of the art it is a foregone conclusion that the effort will be intelligent, the trustee of the funds, has been paying Kemp's wife got a decree of separation with alimony of \$3,000 a year. This has left a balance of \$7,000 a year for Kemp.

Mrs. Jeanette De Muth, who got a judgment against Kemp in 1902 for \$41,324, which with interest now amounts to \$67,000, applied to Justice Newburger two for an execution against Kemp's income Mrs. De Muth asks the court to deter-

contended that as he was reared in luxury and has no trade or ocupation he needs the entire \$7,000 for his living expenses. Justice Newburger decided that since

grossed with the study of the effects of light reflected from glass. Glass crystals and other glass objects figure in each study. The two photographs the artist himself feels most satisfied with show water lilies in wide, shallow glass bowls which rest upon glass. The interlacing reflections and the quality of the water are well shown.

DENIES DRINKING A QUART.

Mrs. Dudley Says She Knew Husband's Writing on Register.

When the trial of the divorce suit of Edward Dudley, a lawyer of Camden, against his wife, Mrs. Marie Muloch Dudley of New York and Philadelphia, was resumed before Vice-Chancellor Stevenson in Jersey City yesterday E. Miles Rigor, a detective, said he had secured evidence against Dudley but could not produce it now as the original papers had been destroyed.

Mrs. Dudley, recaffed, testified she saw the signature "Louis Craven and wife" to the signature of a business enterprise.

ARRESTS NINE SMALL BOYS.

Detective Finds Loot of Thirty Showcase Robberies. The nightly amusements of the youth

The nightly amusements of the youth of Sullivan and Broome streets received a sad blow yesterday. Nine small boys, none of them more than fifteen years of age, all of them carrying smalt toy revolvers and employing such hair raising aliases as "John the Snake," "Generoso the Bandit" and "Lefty Nick," were picked up in the course of the day by Detective Glikinson of the Macdougal street station charged with more than thirty robberies in that with more than thirty robberies in that

Glikinson came upon Nicholas Timpone ("Little Jeff") of 58 Sullivan street, eleven years old and Joseph Larusso, thirteen, of 54 Sullivan street (he is "The Wolf"), breaking into the show window of the slow Windows of the slow window of the slow windows of the slow street. Seven Children Burned to Death.

Harrisburg, Pa., Feb. 20.—While their parents were at church last night seven children of Mr. and Mrs. George Smith were burned to death in their home near the village of Oberlin, five miles from here.

dow of Charles Becker's delicatessen store at 1 Charlton street. The show windows ably twenty other business men admit that they have given her money in sums ranging from \$500 to \$1,500.

She said that former United States Senator Joe Blackburn was looking after the estate for her. Letters from Blackburn deny the statement.

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Mar. 12, 11 A. M.
Mar. 12, 11 A. M.

George Kemp, who has lived in Paris Madeira. Gibraltar, Algiers, Naples, Genea

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WOMAN BILKS MANY MEN.

Posing as Heiress She Borrow Thousands of Dollars on Prospects. ATLANTA, Feb. 20 .- Claiming to be heir ess to an estate in Kentucky worth severa millions, which would be in her possession as soon as certain legal formalities were settled, it is alleged that Mrs. Ella Harrison White, handsome wife of a prominent physician here, has obtained sums of money from various Atlanta business men which will total thousands of dollars. Mrs. White was arrested last night on a warrant sworn out by Dr. E. J. Turner who admits Mrs. White got \$3,000 from

Amos Fox, former Postmaster of At-lants, admits that he let her have \$2,000. M. H. Brandon, F. M. Myers and prob-

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